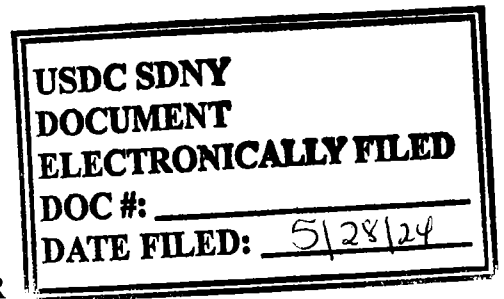


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
TERRELL K. BROCK,
Plaintiff,

v.

CVS CORPORATION, *et al.*,
Defendants.
-----X**ORDER**

22 CV 4014 (VB)



e-mailed 5/28/24
Copies Mailed/Faxed
Chambers of Vincent L. Briccetti *DM*

By Order dated February 20, 2024, the Court directed defendants to file any motions for summary judgment by March 20, 2024, and directed plaintiff, proceeding pro se and in forma pauperis, to file a single opposition to defendants' motions by April 22, 2024. (Doc. #112).

On March 19, 2024, defendants CVS Corporation and CVS employees Leonordo Cornado and Ashley Camacho (together, the "CVS Defendants") filed a motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6). (Doc. #113). By Order dated March 20, 2024, the Court converted the motion to dismiss to a motion for summary judgment and instructed the CVS Defendants to file a statement of material undisputed facts pursuant to Local Civil Rule 56.1. (Doc. #115).

The Court also extended to April 29, 2024, plaintiff's deadline to oppose the CVS Defendants' motion. The Court further instructed the CVS Defendants to serve on plaintiff a Notice to Pro Se Litigant Who Opposes a Motion for Summary Judgment, in accordance with Local Civil Rule 56.2. The CVS Defendants filed a certificate of service on the docket on March 27, 2024. (Doc. #124). The notice warned plaintiff that his claims could be dismissed without a trial if he did not timely respond to the motion.

On March 20, 2024, defendants City of White Plains and several White Plains police officers (together, the "White Plains Defendants") also filed a motion for summary judgment. (Doc. #116). Although the White Plains Defendants served plaintiff with notice under Local Civil 56.2, they failed to include the full text of Local Civil Rule 56.1, as required.

Accordingly, by Order dated March 21, 2024, the Court directed the White Plains Defendants to re-serve plaintiff with the notice, including the texts of Local Civil Rule 56.1 and Fed. R. Civ. P. 56. (Doc. #120). On March 26, 2024, the White Plains Defendants filed a certificate of service on the docket. (Doc. #123). Again, the notice warned plaintiff that his claims could be dismissed without a trial if he did not timely respond to the motion. In accordance with the Court's February 20, 2024, Order, plaintiff's deadline to oppose the motion was April 22, 2024.

As of May 7, 2024, plaintiff had not responded to either motion. Accordingly, the Court sua sponte extended to May 21, 2024, plaintiff's deadline to file a single opposition to defendants' motions for summary judgment. Plaintiff was warned that if he failed to file an

opposition by May 21, 2024, the Court would deem the motions fully submitted and unopposed and would decide them in due course. (Doc. #126).

To date, plaintiff has not responded to the motions. Accordingly, the Court deems defendants' motions for summary judgment fully submitted and unopposed and will decide them in due course.

Chambers will mail a copy of this Order to plaintiff at the mailing address on the docket and will also email a copy of the Order to the following email address, which plaintiff previously provided to the Court: jonahelijah0112@gmail.com.

Dated: May 28, 2024
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge